

EXHIBIT H

James Toledo

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Gaston, et al. v. The Islamic Republic of Iran</i>	18-cv-12337 (GBD)(SN) ECF Case

DECLARATION OF JAMES TOLEDO

I, James Toledo, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than eighteen (18) years of age and I have personal knowledge of and am competent to testify to the matters stated in this declaration.
2. I was a citizen of the United States on September 11, 2001, and I remain so today.
3. On September 11, 2001, I was present in New York City when the terrorist attacks on the World Trade Center (WTC) occurred.
4. On the morning of September 11, 2001, I was a member of Ironworker Local 580 and I was working on what was then known as the Bear Stearns Building at 383 Madison Avenue. I was involved in finishing the glass crown on the top of the building. It was a very clear day.
5. I saw a passenger plane pass by the building at a very low altitude. It was no higher than the top of the building where I was working. Seconds later I saw the plane slam into the North Tower of the World Trade Center.
6. I immediately made my way to the stairs and then to the elevator to exit the building with the other ironworkers. Shortly after we reached the street, we were asked to go back to the roof to make sure everything was secure and then return to the ground floor and leave the building.

When I arrived back at the top of the building, I saw a second plane hit the South Tower of the WTC.

7. Sometime later, while standing on Madison Avenue, I watched as the tops of the World Trade Center towers disappear as the buildings collapsed. I walked to the Union Hall on 42nd Street, where many of us volunteered to go the site to help in the rescue effort by cutting steel to clear debris or in any way we could.

8. I was taken to Ground Zero by city bus. The scene was utter chaos. The air was filled with smoke, soot, and dust and mangled steel was everywhere. It appeared to be "snowing" pumice as if a volcano had erupted. Lower Manhattan was covered with smoke and fire.

9. Despite the conditions, I had no safety equipment or protective gear. I assisted the firefighters and other first responders by standing in a line on the smoldering mound of rubble at Ground Zero and removing and passing debris, hand to hand, to try to uncover any survivors who might be trapped.

10. I worked at Ground Zero until around 2:00 a.m. the following morning. Later September 12, I returned to the site of the attacks where I was joined by thousands of others including ironworkers, carpenters and many other trades who were there to help. On day two we were provided with 3M masks without respirators and gloves. The masks were not sufficient to the filter out all of the dust and fumes that were still present.

11. I worked at the site for four days following the attacks cutting into garages and basements to look for survivors. As we worked through these areas below street level, we found the partial remains of victims virtually everywhere. By the end of the fourth day, September 15, I was becoming increasingly short of breath and began experiencing chest pains.

12. As a result of my exposure to the chemicals, fumes, gases and dust on September 11 and the following days, I have continued to have periodic difficulty breathing combined with discomfort in my chest. I sought medical treatment for these conditions and within three weeks following my exposure at the WTC site, I was hospitalized with pneumonia. I spent one week in the hospital. The problems I have suffered with my breathing, shortness of breath, coughing and chest have continued since 9/11. I have also had intermittent severe asthma attacks.

13. My physical injuries and conditions have been confirmed through the World Trade Center Health Program (WTCHP) and determined to be eligible for compensation by the Victim Compensation Fund (VCF).

14. I continue to seek medical treatment for the injuries I suffered on 9/11 and its immediate aftermath. Following the evaluation of my conditions by the WTCHP, I pursued a claim with the VCF and was found eligible for compensation for mild intermittent asthma. A true and correct copy of the VCF eligibility determination letter documenting the physical injuries I suffered as a result of the attacks on 9/11 is submitted with this Declaration as part of this exhibit.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

DATED this 25th day of March, 2025.


Declarant James Toledo



September 11th
Victim Compensation Fund

April 29, 2021

JAMES TOLEDO



Re: CLAIM NUMBER: VCF0153735

Dear JAMES TOLEDO:

The September 11th Victim Compensation Fund ("VCF") has reviewed your claim for eligibility.

The Decision on your Claim

The VCF has determined that you meet the eligibility criteria established in the statute and regulations. Based on the information you submitted and information the VCF has received from the World Trade Center ("WTC") Health Program, you have been found eligible for the following injuries:

- MILD INTERMITTENT ASTHMA UNCOMPLICATED

Please note that there are several reasons why an injury that you think should be eligible is not listed above. For non-traumatic injuries, the name of the injury is based on the information provided by the WTC Health Program and there may be different names for the same injury. Additionally, your injury may not be listed if it was only recently certified for treatment by the WTC Health Program.

If in the future the WTC Health Program should notify you that a condition previously found eligible is no longer certified, you must inform the VCF as this may affect your eligibility status and/or the amount of your award.

What Happens Next

If you have been certified for treatment by the WTC Health Program for a condition not listed above, you should amend your claim. Please see the VCF website for details on how to amend your claim. The VCF will review the new information and determine if it provides the basis for a revised decision.

If you believe you have eligible injuries that are not being treated by the WTC Health Program and you would like the VCF to consider those injuries before calculating your award, you should amend your claim. If you choose to amend your claim, you must first seek certification for the condition(s) from the WTC Health Program. Seeking certification for your condition provides the VCF with the necessary evidence that the condition is eligible for compensation. Please note, however, that because additional certifications do not necessarily



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impact the amount of your award, we recommend that you wait to receive your award letter to determine whether to seek certification for any additional condition(s).

If you do not have injuries other than those listed above, you should submit the compensation section of your claim form and the required supporting materials if you have not already done so. If you have already submitted this information, you do not need to take any action at this time unless you receive a request from the VCF for missing information. The VCF will calculate the amount of any compensation based on the conditions listed above after all compensation-related documents are submitted.

If you have questions about the information in this letter or the claims process in general, please call our toll-free Helpline at 1-855-885-1555. Please have your claim number ready when you call: **VCF0153735**. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100.

Sincerely,

Rupa Bhattacharyya
Special Master
September 11th Victim Compensation Fund

MICHAEL BARASCH can access the electronic copy of this letter uploaded to your online claim.